

# New York State Department of Environmental Conservation

Division of Environmental Remediation

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Joe Martens  
Commissioner

December 21, 2012

Mr. Walter Mugdan, Director  
Emergency & Remedial Response Division  
U.S. Environmental Protection Agency  
Region II  
290 Broadway  
New York, NY 10007-1866

Re: Gowanus Canal Superfund Site  
NYSDEC Site ID No. 224133  
Brooklyn, Kings County

Dear Mr. Mugdan:

The New York State Department of Environmental Conservation (Department), in consultation with the New York State Department of Health, has reviewed the Superfund Proposed Plan prepared by the United States Environmental Protection Agency (USEPA) for the Gowanus Canal Superfund Site in Brooklyn, New York City, NY.

The components of the preferred remedy include dredging the entire column of "soft sediments" which have accumulated above the native sediments and installation of a multilayered cap to prevent the upward migration of nonaqueous phase liquid (NAPL) from native sediments into the canal. In addition, in-situ stabilization of native sediments will be performed in select areas of the upper canal which are contaminated with high levels of NAPL. For the lower reach of the canal, the preferred remedy consists of dredging the entire soft sediment column and constructing a multilayer cap. Dredged material will be shipped off site for proper treatment and disposal. A confined disposal facility (CDF) could be considered for some of the dredged material, but would be subject to further investigation and Department approval and possible permitting, should the CDF be situated outside the site area.

The Department acknowledges that the preferred remedy is specified in conceptual terms, and that significant additional investigation and engineering work is required to establish the specific combination of dredging, stabilization, and capping components of the remedy; and to evaluate relevant background studies to determine an appropriate Preliminary Remediation Goal (PRG) for PAHs. This work will ensure that the remedy is effective in both the short term and long term. We also look forward to coordinating our efforts in the remediation of upland sites bordering the Canal with USEPA's efforts in the Canal itself.

The Department will continue to coordinate its efforts to address the effects of combined sewer overflows (CSOs) into the canal, pursuant to Long Term Control Plans (LTCP) required by the Department's 2012 Order on Consent with New York City (CSO Order). As noted in the Superfund Proposed Plan, solids suspended in the CSO discharges have the potential to settle in



the canal, potentially undermining the benefits of sediment remediation in the canal. The Department anticipates, that pursuant to the CSO Order, substantial reductions in CSO solids deposition throughout the canal as upgrades now under construction are completed, prior to the implementation of the Superfund remedy for the canal sediments. Monitoring of the effectiveness of these improvements will provide data to inform future decisions on the need for further improvements in CSO infrastructure. The Department acknowledges that future additional CSO volume and solids reductions are necessary to support greater levels of public use and to protect the Superfund remedy.

USEPA has identified the solids reduction associated with capturing twice the amount of the "first flush" of the design storm event from CSO outfalls RH-34 and OH-007 as a recommended requirement to ensure that the future canal Superfund remedy is adequately maintained. The Department agrees that New York City's Gowanus Canal LTCP, due in draft to the State from NYCDEP in June 2015 pursuant to the CSO Order, at a minimum, will select an alternative to achieve USEPA's above-referenced long term remedial performance goals for CSO solids reductions to protect the Superfund remedy. The Department is further committed to complete evaluations of alternatives under the LTCP to assess the optimum combination of CSO solids control measures and CSO volume reductions to achieve both the remedial performance goals of the Proposed Plan and the Clean Water Act goals for achieving water quality that will ultimately support the "Highest Attainable Use" of the waterbody. The Department understands that a final determination of how best to reach both goals will be a coordinated effort between the USEPA's Superfund and Water Programs, and the Department's Clean Water Program under its 2012 CSO Consent Order with New York City.

Therefore, the Department concurs with the alternative recommended by USEPA. If you have any questions, please contact me at (518) 402-9662.

Sincerely,



Robert W. Schick, P.E.

Director

Division of Environmental Remediation

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